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February 6, 2003

Mr. James E. Lyons  
Director, New Reactor Licensing Project Office  
Office of Nuclear Reactor Regulation  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

**SUBJECT:** Resolution of Generic Topic ESP-10 (Use of License Renewal  
Generic Environmental Impact Statement (NUREG-1437) for  
Early Site Permits)

**Project No. 689**

Dear Mr. Lyons:

In a public meeting with the NRC staff on September 25, 2002, we discussed generic topic ESP-10, which concerns the use of applicable information from NUREG-1437 (the license renewal GEIS) for the purposes of preparing environmental reports required for early site permit applications.

Our ESP-10 discussion focused primarily on applying to ESP the logic used by the NRC staff in evaluating the environmental issues associated with operating plant license renewal. We request that, by reply to this letter, the NRC confirm the understandings and expectations identified below that resulted from this discussion. To ensure timely resolution of generic issues and continued progress toward ESP applications in 2003, we request that NRC respond within 30 days.

1. The license renewal GEIS (NUREG-1437), as well as other NRC and industry reference material, may be used by ESP applicants, where applicable, to support NUREG-1555 guided evaluations. It is incumbent on ESP applicants to demonstrate the relevance of previously developed material (e.g., analyses, conclusions) to the evaluation of environmental issues in the ESP Environmental Report (ER).

2. NRC regulations and NEPA focus on significant issues and direct the NRC to determine the significance of impacts to public health and safety and the environment (10 CFR 51.45(b)(1), 40 CFR 1502.1). To the extent that the Plant Parameters Envelope (PPE) and the site characteristics are consistent with environmental impact initiators that the NRC evaluated in NUREG-1437, conclusions regarding impact significance may be used as a guide in determining the level of analytical effort and detail necessary for the ESP ER. Where an ESP-related impact is bounded by a GEIS evaluation, the ESP ER will provide information sufficient to understand the basis for applicability and comparison, and may, as appropriate, adopt GEIS conclusions as to the significance of the impact.
3. Beyond guidance provided in NUREG-1555, the GEIS (including supporting rationale) provides operating experience bases, and may be used as a starting point for impact analysis. It is acknowledged, however, that new plant designs and changes in environmental management capabilities may require additional analyses when preparing an ESP ER.
4. License renewal GEIS evaluations and conclusions are not a substitute for evaluating issues for ESP purposes. In particular, the ESP ER must consider impacts of new plant construction and full term operation that the GEIS did not. Moreover, results from cost-benefit evaluations of mitigation strategies may be different for license renewal versus new plants. For purposes of early site permits, impacts of new plant construction and operation will be considered, and evaluation of mitigation strategies will be included at a level of detail commensurate with the significance of the environmental impact. The license renewal GEIS will be used as an input to these evaluations, as described in items 1, 2, and 3 above.

As identified in our November 26, 2002, issue resolution letter on ESP-20, "Use of Existing Site/Facility Information," the industry recognizes that the NRC's review of an ESP application is a new review. Applicant use of existing information will allow the NRC staff to minimize the resources it expends re-examining previously reviewed and approved information. Appropriate use of the license renewal GEIS and other existing information is expected to result in more efficient NRC reviews by allowing the staff to focus on changes since the existing information was previously compiled or reviewed, and on new information.

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Enclosed for your use is an updated list and status of generic ESP topics that have been identified for discussion during the pre-application period.

We look forward to your confirmation of the understandings and expectations described above related to ESP-10. If you have any questions concerning this request, please contact Russ Bell ([rjb@nei.org](mailto:rjb@nei.org) or 202-739-8087).

Sincerely,

***Original Signed By:***

Ron Simard

Enclosure

cc: Ronaldo V. Jenkins, NRC/NRR  
Document Control Desk

Status of Generic ESP Interactions and Plans for Remaining Issues

ESP Topic Higher priority topics shaded	Initial Discussion	Next Discussion	NEI Resolution Letter	NRC Response	Potential Snr. Mgmt Issue	ESP Schedule Impact if not Resolved by	Status/Remarks	Target Date for Res'l'n Letter
1. ESP application form & content and ESP review guidance	8/22	3/5					<ul style="list-style-type: none"> <li>Preliminary industry comments on RS-002 to be discussed on 1/29</li> <li>Stakeholder comments due by 3/31</li> <li>RS-002 Review/Comment/Revision process to provide resolution vehicle for ESP-1*</li> </ul>	Later
2. ESP inspection guidance	4/24	3/5					<ul style="list-style-type: none"> <li>IMC-2501 to be conformed to resolution of ESP-3 (QA)</li> <li>NEI to provide additional comments on IMC-2501 for discussion on Mar. 5</li> <li>ESP inspection procedures to be completed to support June submittals</li> </ul>	Mar. or April
2a. Pre-application interactions (voluntary nature, plans for local public mtgs & review fee structure)	4/24		11/26	1/10			Resolved	
3. QA requirements for ESP information	5/28		12/20	2/3		2/03	Evaluating NRC response	
4. Nominal NRC review timeline	10/17	3/5					<ul style="list-style-type: none"> <li>Industry timeline provided to NRC on 4/1/02</li> <li>NRC review timeline provided on 1/29</li> <li>Note ESP review process description in draft RS-002</li> </ul>	Mar. or April
5. Mechanism for documenting resolution of ESP issues	5/28		9/10	11/5			Resolved	
6. Use of plant parameters envelope (PPE) approach	7/16		12/20	2/5		2/03	Evaluating NRC response	

ESP Topic Higher priority topics shaded	Initial Discussion	Next Discussion	NEI Resolution Letter	NRC Response	Potential Snr. Mgmt Issue	ESP Schedule Impact if not Resolved by	Status/Remarks	Target Date for Res'n Letter
7. Guidance for satisfying §52.17(a)(1) requirements	7/16		12/20	2/5		2/03	Evaluating NRC response	
8. Fuel cycle and transportation impacts (Tables S-3 & S-4)	9/25					3/03	<ul style="list-style-type: none"> <li>Preliminary industry assessment of current Tables S3 and S4 discussed w/NRC on Jan. 29</li> </ul>	Feb.
9. Criteria for assuring control of the site by the ESP holder		3/5					<ul style="list-style-type: none"> <li>To be discussed w/NRC on Mar. 5</li> </ul>	Mar. or April
10. Use of License Renewal GEIS for ESP	9/25		2/6				Resolution Pending	Jan. or Feb.
11. Criteria for determining ESP duration (10-20 years)	12/5		12/20	2/5			Evaluating NRC response	
12. Guidance for evaluating severe accident mitigation alternatives under NEPA	8/22		12/20			2/03	Resolution Pending	
13. Guidance for ESP seismic evaluations	6/13	3/5					<ul style="list-style-type: none"> <li>Applicants proceeding as described on Oct. 16</li> <li>Remaining issues, if any, to be identified for discussion on Mar. 5</li> </ul>	Mar. or April
14. Applicability of Federal requirements concerning environmental justice	–	–					<ul style="list-style-type: none"> <li>Commission action pending in response to Dec. 20 NEI letter</li> <li>No ESP-specific discussion of EJ or ESP-14 resolution letter necessary*</li> </ul>	*No letter needed
15. Appropriate level of detail for site redress plans	9/25		11/26	1/16			Resolved	
16. Guidance for ESP approval of emergency plans	1/29						Resolution pending	Feb.

ESP Topic Higher priority topics shaded	Initial Discussion	Next Discussion	NEI Resolution Letter	NRC Response	Potential Snr. Mgmt Issue	ESP Schedule Impact if not Resolved by	Status/Remarks	Target Date for Res'n Letter
17. Petition to eliminate duplicative NRC review of valid existing site/facility information	–	–					<ul style="list-style-type: none"> <li>Commission action pending on petition PRM-52-1</li> <li>No ESP-specific discussion or ESP-17 resolution letter necessary*</li> </ul>	*No letter needed
18. Petition to eliminate reviews for alternate sites, sources and need for power	–	–					<ul style="list-style-type: none"> <li>Supplemental industry comments on PRM-52-2 provided on Dec. 18</li> <li>Staff recommendation and Commission action pending</li> <li>No ESP-specific discussion or ESP-18 resolution letter necessary*</li> </ul>	*No letter needed
18a Alternative site reviews	12/5		12/20			3/03	Resolution Pending	
18x Need for alternative energy source evaluation and review	1/29						<ul style="list-style-type: none"> <li>Industry to provide additional input to NRC</li> </ul>	Mar. or April
19. Addressing effects of potential new units at an existing site		3/5					<ul style="list-style-type: none"> <li>To be discussed w/NRC on Mar. 5</li> </ul>	Mar. or April
20. Practical use of existing site/facility information	9/25		11/26	12/18			Resolved	
21. Understanding the interface of ESP with the COL process.		3/5					<ul style="list-style-type: none"> <li>Purpose is clarity of expectations regarding reference to an ESP by a COL applicant</li> <li>Analogous to “COL Items” identified as part of the design certifications</li> </ul>	Mar. or April
22. Form and content of an ESP	8/22	3/5					<ul style="list-style-type: none"> <li>NEI Aug. 21 draft under consideration by NRC (also included as enclosure with 12/20 ESP-6 letter)</li> <li>Revisions under consideration and will be identified in ESP-22 letter</li> </ul>	Mar. or April

Enclosure – 2/6/03